REMARKS

Reconsideration and allowance of the above-identified Application in view of the above amendments and the following remarks are respectfully requested.

Claims 1-12 and 15-26 are pending.

Specification

The disclosure was objected to because of a minor informality. Applicant has corrected the clerical error in line 9 of page 1 of the specification and replaced the term "land" with the term "kind."

Claim Objections

Claims 21-23 were objected to because, according to the Examiner, a rotatable or electrical switching polarization analyzer is inconsistent with the polarizing splitter cube as set forth in claim 16.

Claim 16 recites, *inter-alia*, "an optical element selected from the group consisting of an orientable polarisation analyser element and a polarizing splitter cube placed in a path of a light beam reflected by the surface."

Claim 21 recites, *inter-alia*, "the analyser comprises a first transmitter configured to transmit the crossed polarization and a second transmitter configured to transmit the parallel polarization, the first and second transmitters being alternatively active," emphasis added.

Claim 22 recites, *inter-alia*, "the analyser is rotatable." Contrary to the Examiner's contention, "the analyser is rotatable" recited in claim 22 is consistent with "an orientable polarisation analyser," as recited in claim 16.

Claim 23 recites, *inter-alia*, "the analyser further comprises an electrical switching component." Contrary to the Examiner's contention, "an electrical switching polarisation analyser" is consistent with the language in claim 16.

Accordingly, Applicant respectfully requests that the objection to claims 21-23 be withdrawn.

Claim Rejections – 35 USC § 103

Claims 1-12 and 15-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bazin et al. (U.S. Patent No. 5,198,875A) in view of Guiolet et al. (U.S. Patent No. 5,636,637). Applicant respectfully traverses this rejection for at least the following reasons.

Bazin et al. discloses a device for measuring the brightness of a surface (e.g., the skin). The device includes two analyzers, one for analyzing reflected light and the other for analyzing diffuse reflection from the surface at a selected point of incidence (see Abstract and Figure 1 of Bazin et al.). The device of Bazin et al. allows measurement over a reduced almost pinpoint area, regardless of color (see col. 1, lines 32-35 in Bazin et al.). Indeed, the photodetectors (5,7) in the device of Bazin are arranged to detect light emitted from a single point, at any point in time (see Figure 1 in Bazin et al.). The electronic means E in the device of Bazin et al. is merely configured to process light signals originating from a single point. Consequently, the electronic means E in the device of Bazin et al. does not process a brightness and an intensity of a plurality of points of the surface.

Furthermore, the electronic means E in the device of Bazin et al. is not configured to calculate a brightness and an intensity of a plurality of points of the surface from pixels of at least two images of the surface.

Consequently, Bazin et al. does not disclose, teach or suggest, among other elements, "a processing unit configured to calculate a brightness and an intensity of a plurality of points of the surface from pixels of at least two images of the surface," as recited in claims 1, 15 and 16. Moreover, Bazin et al. does not disclose, teach or suggest, *inter-alia*, "calculating a brightness and an intensity of a plurality of points of the surface from pixels of at least two images of the surface," as recited in claim 9. Furthermore, Bazin et al. does not disclose, teach or suggest, *inter-alia*, "a processing unit configured and arranged to calculate a brightness and color information for a plurality of points of the surface from pixels of at least two images of the surface," as recited in claim 26.

Moreover, as conceded in the Office Action, Bazin et al. does not disclose a digital image acquisition device.

Guiolet et al. fails to cure the deficiencies noted above in Bazin et al. Guiolet et al. discloses a method and an apparatus to determine quantities characteristic of the behavior of a surface (e.g., the human skin) when subjected to light irradiation. The apparatus of Guiolet et al. includes a detection device and a computation device. In Guiolet et al., a scattering spectrum is obtained by sweeping a predetermined range of wavelength of the light and based upon the scattering spectrum, a quantity characteristic of an optical behavior of the surface in the predetermined range of wavelengths is calculated. Guiolet et al. does not calculate a brightness and an intensity of a plurality of points of the surface from pixels of at least two images of the surface. In addition, Guiolet does not calculate a brightness and color

information for a plurality of points of the surface from pixels of at least two images of the surface.

Therefore, the Applicant respectfully submits that Guiolet et al. does not disclose, teach or suggest "a processing unit configured to calculate a brightness and an intensity of a plurality of points of the surface from pixels of at least two images of the surface," as recited in claims 1, 15 and 16. Moreover, Guiolet et al. does not disclose, teach or suggest, *inter-alia*, "calculating a brightness and an intensity of a plurality of points of the surface from pixels of at least two images of the surface," as recited in claim 9. Furthermore, Guiolet et al. does not disclose, teach or suggest, *inter-alia*, "a processing unit configured and arranged to calculate a brightness and color information for a plurality of points of the surface from pixels of at least two images of the surface," as recited in claim 26.

Therefore, Applicant respectfully submits that neither Bazin et al. nor Guiolet et al., alone or in combination, disclose, teach or suggest the subject matter recited in claims 1, 9, 15, 16 and 26.

Therefore, Applicant respectfully submits that claims 1, 9, 15, 16 and 26, and claims 2-8, 10-12 and 17-25 which are dependent from claims 1, 9, 15 or 16, are patentable. Thus, Applicant respectfully requests that the rejection of claims 1-12 and 15-26 under § 103(a) over the combination of Bazin et al. and Guiolet et al. be withdrawn.

CONCLUSION

In view of the foregoing, the claims are now in form for allowance, and such action is hereby solicited. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, he is kindly requested to contact the undersigned at the telephone number listed below.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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